

FAQ
Invitation to tender N°TREN/322-2008
contract notice in OJEU S 2008/S126-167254
Technical follow-up of ERTMS projects

1. Is a tenderer from a non-EU country eligible to submit a tender?

Tenderers from Countries that have signed a bilateral agreement in the field of public procurement allowing those countries to tender in European procedures are eligible.

In addition, tenderers from countries who have signed the Multilateral Agreement on Government Procurement (GPA) concluded within the World Trade Organisation are eligible.

According to the Financial Regulation¹ (articles 106 and 107) there is no obligation to accept the participation of a tenderer that does not meet one of the above two conditions. However, in cases where candidate/tenderer is not eligible according to the above-mentioned agreements, Community institutions are nevertheless not required to reject tenders. The respective candidate/tenderer can be admitted on an ad hoc basis to the respective procurement procedure without creating a precedent or obligation for the future.

2. Can a tenderer propose a team that is composed of technical experts as well as a project manager who has experience with TEN-T projects but not specifically with rail signalling? Would this be acceptable, or must teams only consist of technical experts who meet all the technical and professional capacities set out in the tender specifications?

The Tender Specifications stipulate in section IV.2.2 (Technical and professional capacity) that for all lots, each expert on the team must have certain technical and professional capacity, notably: "a university science or technology degree (with a preference for engineering); at least 7 years' professional experience in the area of rail signalling with a specific focus on ERTMS; knowledge gained in a professional context regarding the management of complex projects involving many stakeholders; and excellent communication and drafting skills in English."

In addition to the specific qualifications required of experts, the professional experience of all team members will also be considered during the evaluation. Section IV.2.2 of the Tender Specifications (Technical and professional capacity) also states: "Tenderers must provide evidence of the extent of the team's relevant professional experience and the sectors in which it has been gained and the areas dealt with throughout the professional career of the team members. Tenderers should provide with their offer detailed curriculum vitae of each staff member responsible for carrying out the work, including his or her educational background,

¹ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p. 1) as amended Council Regulation (EC, Euratom) No 1995/2006 of 13 December 2006 L 390 1 30.12.2006 and corrected by: corrigendum OJ L 25, 30.1.2003, p. 43 (1605/2002) and corrigendum, OJ L 99, 14.4.2007, p. 18 (1605/2002).

degrees and diplomas, professional experience, research work, publications and linguistic skills."

The European Commission therefore considers that a consortium may propose a team of technical experts managed by a team coordinator who does not necessarily have to meet all of the technical and professional qualifications set out in the Tender Specifications. However, the European Commission emphasises that such a team coordinator may not carry out any of the tasks to be performed by experts. The role of such a team coordinator would be of a purely project-management nature.

Ultimately, it is up to each tenderer to decide on the composition of their team, taking into account the requirements set out in the Tender Specifications and taking note of the award criteria to be applied.

3. What kind of ERTMS-knowledge is desired; purely trackside- or also ERTMS-knowledge according rolling stock or the combination?

In assessing the technical and professional capacity, all kind of ERTMS knowledge (trackside, rolling stock, combination...) will be taken into account.